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*the*STATE DOCUMENTS**REPRESENTATIVES***and the***REPRESENTED**

*the 44th Montana
Legislative Assembly
in Retrospect*

Dr. J. W. Calvert

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**THE REPRESENTATIVES
AND THE REPRESENTED:
THE 44th MONTANA
LEGISLATIVE ASSEMBLY
IN RETROSPECT**

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Helena, 1976**

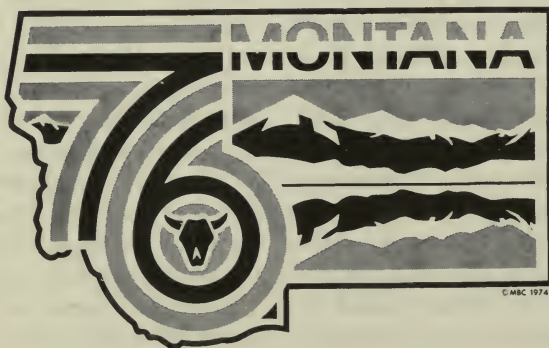


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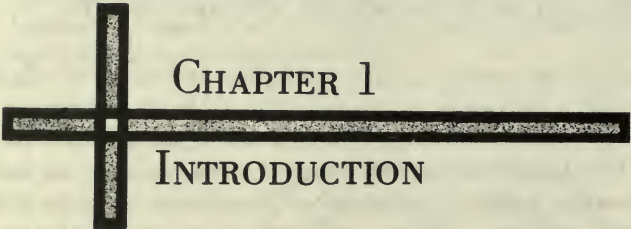
PREFACE

The following monograph is the fruit of this writer's interest in representative institutions as policy making bodies. This interest represents not only plain curiosity about the brute empirical facts of representation, but a belief that representative institutions must be defended and strengthened if the United States is to remain a democratic society in the coming decades.

I would like to thank the Montana Department of Community Affairs for underwriting the cost of this publication and Dr. Roy Huffman, Vice President for Research, and the Office of Research Administration of Montana State University for providing a modest research grant without which this project would never have occurred. Special thanks to the Human Resources Division of D.C.A. for their support and encouragement, to Steve Cole, senior in political science, who acted as a tireless and efficient research assistant, to Mrs. Jean Julian for magnificent typing, and to my associates in the Department of Political Science for their suggestions, ideas, and patient suffering under my enthusiasms.



THE REPRESENTATIVES AND THE REPRESENTED: THE 44th MONTANA LEGISLATIVE ASSEMBLY IN RETROSPECT



CHAPTER 1

INTRODUCTION

In a democracy the elected representative is usually described as the necessary and essential link between the government and the citizen. When citizens have the right to elect those who govern them, it is assumed that government will operate in the interests of the people and public policy will reflect their preferences. In theory that is the way politics in a democracy is supposed to be.

Standing at the center of the democratic process are bodies of elected representatives, the United States Congress and the legislatures of the 50 states. Congress is always in the news and relatively visible to the citizen. Not a day will pass when some action or inaction by Congress will be reported on the evening news. Yet Congress is distant, and as part of the national government is often accused of legislative overkill in enacting policy which allegedly does not take into account local conditions, traditions, and concerns. The rhetoric of politics in recent years thus includes the assertion that state and local government is "closer" to the people. Rhetoric aside, state government and the state legislatures are in fact relatively invisible to the average citizen. The relative invisibility of state legislatures may be caused in part by the attention or inattention given them by the news media. It may also be caused by the fact that many state legislatures are not in session on a regular basis. To be sure, at one time most state legislatures were in session only one time every other year. The increasing policy responsibilities of state legislatures, however, have contributed to a nationwide trend toward adoption of annual sessions or provision for them. As of 1971, 37 states had so provided.¹ It should be understood, however, that most states still restrict the length of legislative sessions or limit the number of days a legislator will be paid for his or her efforts.² Finally, invisibility is also reinforced by the fact that most state legislatures are truly amateur bodies. Turnover rate is relatively high and as a consequence few individual legislators will achieve the public visibility of a Congressman, the governor, the President, or a rock recording star. In Montana, for example, the 44th Legislative Assembly convened in January with only 73 holdovers (out of 150 legislative seats in both houses) from the last legislative session. With the exception of a few experienced legislators who had not served in the last few years (but had sought and won a seat in 1974), the remainder of the legislators (about half) had been elected for their first term!

The relative invisibility of our representative bodies at the state level has negative implications which are best illustrated by the testimony of one state legislator (in another state):

I don't think my constituents have the slightest idea of what the legislature is for . . . Constituents have the impression that we're in session all the time and are surprised to learn that we have only one session every two years. This is because they see Congress news all year. I am thought of like a representative in Washington. People ask me to support federal bills, and ten to one ask me, 'How are things in Washington?'³

While the state legislatures do not receive the attention given by citizens to other institutions, they are responsible for a vast area of public policy. The state legislature can do anything which is not prohibited by the national and state constitutions or has not been delegated to the U.S. Congress. This anything includes powers to tax and spend, to legislate codes governing behavior, and to enforce those codes with state and local police forces and courts. A moment's reflection will convince most people that the state legislature's policy decisions have an enduring and continual impact on their lives from the amount of money they pay in taxes, the kind of taxes that are levied, the number of licenses required to engage in all kinds of activity from driving a car to practicing medicine and law, to the amount and types of state governmental responsibilities for the welfare of the state in law enforcement, education, public welfare, health, and hundreds of other things.

John Gardner of *Common Cause* has observed:

Under our system the states carry a vast residual responsibility. We must recognize . . . that the state is our best hope for enacting and enforcing laws necessary for the daily protection of life and property . . . In brief, for so long as this country chooses to maintain a federal system of governance, only the states can provide the great deal of domestic law, covering countless aspects of daily life, that is indispensable in our ordered society.⁴

So important are state legislatures in fact that it is critical that every citizen have an informed understanding of how legislatures operate in their capacity as representative institutions. This monograph has been written with the goal of informing interested Montanans. We will focus on the legislative representation of private citizen preferences, because in theory at least it is the citizen who is represented, not trees, rocks, or social and economic organizations. We will also establish the relative visibility of the state legislature through presentation of the kinds of information citizens possess in fact, and establish at least tentatively the degree to which citizens attempt to influence legislative policy making.

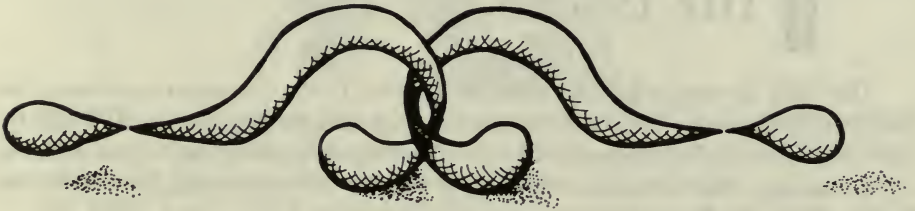
The central question is: In what sense is the Montana Legislature a representative body? In theory a democratic government is one that represents and carries out the "will" of the people. This is what distinguishes democracy from dictatorial forms of government. The democratic basis of our state government is encapsulated in Article II, Section 1 of the Montana Constitution which states:

All political power is invested in and derived from the people. All government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole.⁵

In a descriptive summary of the legislative process prepared primarily for use by newly-elected legislators we are told that:

Legislators play a critical role in democratic societies. Theoretically at least, they represent the full spectrum of political beliefs, and *act to codify majority opinion into binding regulations and law.* (Emphasis is added.)⁶

By turning to specific and significant legislative acts dealt with by the 44th Montana Legislative Assembly we can begin to answer the above question: In what sense is the legislature a representative body?



CHAPTER 2

THE ISSUES

The 1974 November general elections resulted in the Democrats increasing the margin of their majorities in both houses, outnumbering the Republicans 30-20 and 67-33 in the Senate and House respectively. Fifteen representatives made successful bids for Senate seats, and both houses had a large number of freshmen legislators (13 in the Senate, 59 in the House).

The volume of business confronting the legislature was truly staggering. As a result of a referendum vote reestablishing biennial sessions, the legislature was compelled to deal with the next two years of government business in a single session. The legislature considered approximately 1,200 bills and resolutions. Obviously it is reasonable to suppose that constituents will pay attention to only a few issues, if any. Rather than ask people their opinion about a large number of issues or ask them how they feel about the legislature in general we have asked people to indicate their opinions on a cross section of what we believe were the significant and important bills considered by the 44th Legislative Assembly. These bills and resolutions concerned land use planning, annual sessions, public utilities, education, and other issues. They are:

ENVIRONMENT, LAND USE, AND PUBLIC ACCESS ISSUES

SB 13, a tax on coal mined in the state. The rate of taxation is based on a percentage of the coal's market value. SB means "Senate Bill".

HB 581, the Montana Major Facilities Siting Act. The act gives the Department of Natural Resources and Conservation the power to approve or deny applications for the construction of major energy-conversion facilities. The act does not apply to the already pending applications for the construction of Colstrip Units 3 and 4. HB means a "House Bill".

HB 59, a wild and scenic rivers bill. The bill would have permitted the state to declare a river "wild and scenic", the substance of which would have required any unit of government to consult with the Department of Natural Resources before any construction could be done on the stream. Passed by the House, the bill was rejected by the Senate, and died.

HB 666, a bill providing for local government regulation of subdivisions. The act provides that local government has the authority to approve or deny an application for a land subdivision, and that such application may be denied if it fails to show the proposed development is in the public interest.



HB 319, a bill providing for a moratorium on the subdivision of agricultural land pending the development of a state land use policy. Approved by the House and rejected by the Senate. A more modest local option was approved.

SB 203, a bill which would permit local citizens to sue in court alleged environmental polluters if the appropriate state agencies had failed to act. Passed both houses. Vetoed by the Governor.

SB 74, the Montana Family Farm Act. The bill prohibited the purchase of agricultural land in the state by domestic corporations which were primarily non-agricultural and foreign corporations. Failed in the Senate.

HB 79, a bill declaring all rivers and streams in the state to be part of the public domain and hence open to use by the public. Failed in the House.

HB 98, a bill requiring those who lease state land to permit public access on rivers and streams running through. Failed in the House.

THE RIGHTS OF BUSINESS, PROPERTY, AND LABOR

HB 82, a bill to repeal the private use of the state power of eminent domain. The bill sought to strip private corporations of this power to condemn land for their own use which they have exercised under Montana law. The bill passed the House and its consideration was indefinitely postponed by the Senate, thereby killing it.

HB 80, a bill designed to allow local government to own and operate an electric utility if approved by the local voters. Passed by the House. The Senate voted to indefinitely postpone consideration, thereby killing it.

HB 262, the Uniform Residential Landlord and Tenant Act. The bill defined the respective rights and responsibilities of landlords and those who rent from them. Passed by the House, modified considerably by the Senate, and then rejected by the Senate. Died.

HB 481, a bill placing public school teachers under the jurisdiction of the Public Employees Collective Bargaining Act. The bill recognizes the right of teachers to collectively bargain including the use of the right to strike. Passed both houses.

EDUCATION

HB 271, the university appropriations bill. An amendment was offered to HB 271 in the Senate to grant a lump sum amount above that provided by the bill. The amendment was rejected.

HB 285, a bill to appropriate money to dismantle the infant Montana educational television system. Passed both houses.

ANNUAL LEGISLATIVE SESSIONS

SB 31, a bill to place for a second time the question of whether to have annual or biennial legislative sessions on the next general election ballot (1976). The referendum bill in order to pass required a two-thirds vote of both houses combined, or 100 votes out of 150. The bill failed by one vote, receiving 72 votes in the House, and 27 in the Senate.

The actual votes cast and the disposition of each bill, resolution, or amendments is summarized in Appendix B.

THE EQUAL RIGHTS AMENDMENT

SJR 20, a Senate Joint Resolution proposing that the legislature rescind its ratification of the Equal Rights Amendment. The resolution called for the legislature to reverse its 1974 ratification of the ERA. Rejected in the Senate.

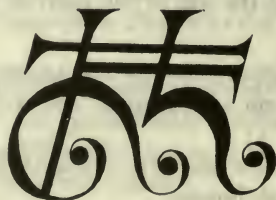
GUN CONTROL AND CRIME

HJR 65, a House Joint Resolution expressing the legislature's "unalterable opposition to the registration and confiscation of firearms". Passed both houses.

SB 314, a bill to permit the introduction of illegally-seized evidence in a court of law. The bill sought to challenge directly the exclusionary rule which prohibits the introduction in a criminal trial of evidence which has been the result of an illegal search and seizure. Also provided for are damages to defendants if their rights had been consciously violated by public servants and for possible disciplinary action directed at officials who do so violate. Passed the Senate. The House rejected the essence of the bill and retained its civil damages and disciplinary provisions. The bill died.

These were some of the major bills which confronted the 44th Montana Legislative Assembly. They were chosen because they represent a cross section of issues, each of which has significance for illustrating the quality of representative government. Some were chosen because their effect will have immediate and/or long-term implications for the quality of life. Others were chosen because they were the subject of intense lobbying by organized interests and/or significantly affected important economic entities in the state. Finally, some were chosen because of their emotional appeal and extraordinary visibility among average citizens. The researcher fully recognizes that there may be differences of opinion on what is and what is not a "really significant" issue and takes full responsibility for the choice based on the criteria enumerated.¹

Rather than debate whether this or that bill was as important as one not included here, the reader should view this collection of bills as a single entity encompassing a spectrum of the kinds of legislation which legislators confront and which are likely to be visible to citizens and affect their interests. It is through comparison between the private preferences of citizens and the public choices of their representatives on issues like these that we will be able to understand the quality of the legislature as a representative body.



CHAPTER 3

PRIVATE PREFERENCES

In order to compare the public opinion of citizens with the public choices of their elected representatives we asked a random sample of Montana's registered voters to answer a mailed questionnaire sent to them in June, 1975. People in the sample were asked their opinions about the content of the specific legislation described in the last chapter, and their responses were compared to the critical roll call votes cast by their representatives (chapter 4).

Two thousand people, residing in 31 counties, were thus selected.¹ With careful follow-up a return rate of 53 percent was achieved, an excellent rate of return for a mailed questionnaire.² Of those questionnaires returned 1,044 were usable, and it is the responses of these 1,044 citizens that have been analyzed. Table 1 summarizes the demographic characteristics of the people who constitute the sample. This sample of the registered electorate is slightly above the average in family income, education, and occupational status compared to the census figures for the adult population as a whole. In terms of age the youngest category (24 and under) is underrepresented. The ratio of men to women corresponds to the state as does the ratio of urban to rural residents and native-born citizens to those born elsewhere.

Table 1. Demographic Characteristics of the Sample

		SEX		
	Male	Female	Not Specified	
	51.5%	48.0%	0.5%	
		RACE		
	White	Non-White	Not Specified	
	94.9%	1.9%	3.2%	
		AGE		
18-24	10.7%	55-64	18.0%	
24-34	18.2	65-74	13.0	
35-44	15.0	75 & over	4.8	
45-54	18.5	Not specified	1.8	
		MARITAL STATUS		
Married	Single	Divorced, separated	Widowed	
76.7%	10.6%	2.7%	5.6%	
		EDUCATION		
8th grade or less	10.1%	college graduate	19.0%	
some high school	6.8%	not specified	3.0%	
high school				
graduate	37.3			
one year college				
or more	23.8			
		WHERE BORN		
In Montana	Out of Montana	Not Specified		
57.2%	41.3%	1.5%		
		LENGTH OF RESIDENCE		
less than one year	3.5%	sixteen to twenty-five years	19.5%	
one to five years	20.5	over 25 years	32.3	
six to ten years	12.5	not specified	2.4	
eleven to fifteen				
years	9.3			
		OCCUPATION		
professional, technical, kindred		8.8%		
private business, business managers				
and administrators		10.4		
clerical and sales personnel		7.3		
craftsmen, foremen, kindred		4.8		
operatives, laborers, service workers		8.3		
agriculture: farmer and rancher/				
owner, workers		11.2		
homemakers		18.6		
student		3.6		
retired		17.3		
other		4.7		
not specified		5.0		

Our census percentages were compared to census percentages for persons 18 and over whenever possible. The percentage of people 65 and over found in the population is 14 percent, for example. Ages 18-24, 17.3 percent.

Table 1 (continued)

	PLACE OF RESIDENCE	
city greater than 50,000		6.4%
city, 10,000-49,999		27.4
city, 2,500-9,999		16.5
town, 1,000-2,499		9.3
town, less than 1,000		9.0
rural farm or ranch		24.8
suburban lot		5.1
not specified		1.5
	ANNUAL FAMILY INCOME	
less than \$2,999		3.9%
\$3,000 to 4,999		6.2
\$5,000 to 6,999		12.3
\$7,000 to 9,999		14.1
\$10,000 to 14,999		27.3
\$15,000 to 24,999		17.6
\$25,000 plus		7.2
not specified		11.4

The comparison of the demographic characteristics of the population, however, is not a very good test of the reliability of the sample. We have made the comparison only because we do not have figures which tell us the characteristics of the registered electorate, but we do know some things about voters and nonvoters in general. First, a significant minority of those eligible to vote (20%) simply fail to register.³ Second, the proportion of the eligible electorate who register, vote, and engage in other forms of political participation grows with increased income, education, and occupational status while nonvoters are drawn disproportionately from among young adults (24 and under) and the elderly (75 and over) and from those with low income, limited education, and low status occupations.⁴ Consequently while the study here will show the relationship between a *sample* of constituents and their *representatives* on the issues; we feel confident that the relationships described are not just applicable to this sample but are likely to be found in any comparable study of representatives and voters in Montana because the demographic characteristics of the sample approximate the characteristics typical of voters.

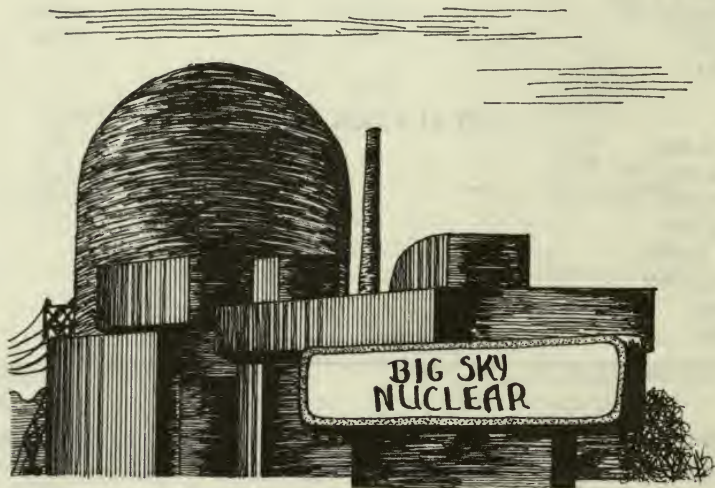
Nonetheless it should also be said that one limitation of any survey is that the survey describes opinion taken at one point in time. A survey conducted at a later date may show different percentages in the distribution of opinion. Readers should read the opinions herein as an indicator of the way people feel about types of issues, and subsequently as an indicator of the general relationship between private preferences and public choices.

THE ISSUES

ENVIRONMENT, LAND USE, AND PUBLIC ACCESS

People in the sample favor public laws to protect the environment but also indicate that they are not completely opposed to energy development. A clear majority (64.4%) are in favor of a tax on coal, and they also favor giving the state authority to approve or

deny to power companies the right to build additional energy conversion facilities. Yet a plurality (48.0%) are not opposed to the construction of such plants and gave as reasons the prospect of more jobs, overcoming the energy crisis, and increased public revenue. Those opposed to construction of coal-burning electrical generation facilities tended to stress the possible damage to the environment.



People want government to assume greater responsibility for environmental protection in other areas as well. The majority favors giving the state authority to prohibit alteration of wild and scenic rivers, giving local government the power to approve or deny applications for subdivisions, while 49.8 percent favor a moratorium on the further subdivision of agricultural land. Sixty-six percent indicated agreement with the idea of giving private citizens the power to sue in court enterprises that are allegedly polluting the environment. Majorities also agree with the substance of the Montana Family Farm Act which would have prohibited foreign nationals and domestic non-agricultural corporations from purchasing agricultural land in the state. Majorities also favor legislation which would allow or permit public access to rivers and streams in the state.

Table 2. Environment, Land Use, and Public Access Issues

Number	Question					
2- 1.	Would you favor or oppose a law that would place a tax on the coal mined in Montana, the amount of the tax to be based upon 20 to, 30 percent of the coal's selling price in the market?					
	strongly favor	favor	neutral	oppose	strongly oppose	no opinion
	25.2%	39.2	10.6	12.6	4.8	7.6
2- 2.	The state should <i>not</i> have the power to approve or deny applications for the construction of power plants and other major energy conversion facilities.					
	strongly agree	agree	undecided	disagree	strongly disagree	no opinion
	8.1%	13.9	11.0	37.5	24.7	4.8

Table 2. (continued)

Number	Question					
2- 3.	Do you favor or oppose the construction of coal-burning electric power plants in Montana?					
	strongly favor	favor	neutral	oppose	strongly oppose	no opinion
	13.4%	34.6	15.3	16.5	15.6	4.6
2- 4.	Would you favor or oppose a law which would give the state the power to prohibit the alteration of the natural course of a wild and scenic river by damming or diversion?					
	strongly favor	favor	neutral	oppose	strongly oppose	no opinion
	20.4%	35.0	10.2	19.3	10.7	4.6
2- 5.	Would you favor or oppose a bill that would give local governments the authority to deny the development of subdivisions unless it can be shown that they are in the public interest?					
	strongly favor	favor	neutral	oppose	strongly oppose	no opinion
	19.6%	43.3	10.6	15.4	6.3	4.8
2- 6.	Would you favor or oppose a law that would put a moratorium on the subdivision of agricultural land pending the development of a long-range state land use policy?					
	strongly favor	favor	neutral	oppose	strongly oppose	no opinion
	22.9%	26.9	14.5	17.1	8.1	10.5
2- 7.	Do you favor or oppose a law that would allow citizens of Montana to take environmental polluters to court if state government agencies failed to act?					
	strongly favor	favor	neutral	oppose	strongly oppose	no opinion
	27.4%	38.6	8.4	15.1	7.9	2.6
2- 8.	Would you favor or oppose a law that would prohibit non-agricultural corporations from owning agricultural land in Montana?					
	strongly favor	favor	neutral	oppose	strongly oppose	no opinion
	27.4%	24.1	7.1	22.2	17.1	2.1
	How would you feel about a law that prohibited foreign nationals and foreign corporations from purchasing agricultural land in Montana?					
	strongly favor	favor	neutral	oppose	strongly oppose	no opinion
	39.8	20.3	4.4	12.6	22.0	0.9
2- 9.	All streams and rivers in Montana are public property and should be open to the public for fishing and other recreational uses.					
	strongly agree	agree	undecided	disagree	strongly disagree	no opinion
	35.0%	25.5	6.3	19.8	11.1	2.3
2-10.	Those who rent land from the state should be required to permit public access to rivers and streams crossing the leased land.					
	strongly agree	agree	undecided	disagree	strongly disagree	no opinion
	31.6%	30.2	8.3	18.0	9.5	2.4

THE RIGHTS OF BUSINESS, PROPERTY, AND LABOR

HB 82 and HB 80 were seen as a threat to the way major economic interests conduct their business in the state, and they reacted accordingly. The outcome was death to both measures although people in our sample support the substance of both bills. More than three-quarters were opposed to private companies exercising the power of eminent domain while a majority (59.5%) favored giving local government the authority to own and operate a public utility. A majority also favored the idea of law which specified the rights of tenants in rental agreements, a bill vigorously opposed by landlords. As we have noted, that bill also died.



When the legislature approved placing teachers under the provisions governing collective bargaining rights of public employees, only a bare majority of our sample favored the idea. Whether this slim majority would also favor the right to strike as part of collective bargaining is another question. But organized interests were active and persistent in support and opposition; and in this particular case the organized interests representing teachers prevailed.

Table 3. The Right of Business, Property, Labor

Number	Question				
3- 1.	Corporations should <i>not</i> have the power to condemn land for their own use (the power of eminent domain).				
	strongly agree	agree	undecided	disagree	strongly disagree no opinion
	48.8%	31.0	6.2	6.7	4.5 2.8
3- 2.	Montana cities and counties should have the right to own and operate electric utilities.				
	strongly agree	agree	undecided	disagree	strongly disagree no opinion
	22.6%	36.9	14.1	14.4	9.7 2.3
3- 3.	Would you favor or oppose a state law that spelled out the rights of tenants in rental contracts?				
	strongly favor	favor	neutral	oppose	strongly oppose no opinion
	16.1	41.5	12.0	18.3	8.1 4.0
3- 4.	School teachers should have the right to engage in collective bargaining.				
	strongly agree	agree	undecided	disagree	strongly disagree no opinion
	14.4	36.5	15.1	19.1	9.5 5.4

EDUCATION

Related to the status of teachers as public employees are public attitudes toward higher education. On the one hand, a majority of our respondents were opposed to the idea of closing Western Montana College and Montana Tech. Thus, the legislature's apparent lack of sympathy for that option appears to be sustained at the grassroots. Similarly, the general trend of opinion also sustains legislative action on the university appropriations bill. Many voters appeared reluctant to express an opinion as to whether the amount finally authorized was adequate to meet the needs of the university system, in effect deferring to legislative judgement. Of the remainder who had an opinion, two-thirds either concurred with the legislature or felt the universities had been given "too much." Indeed, the only group who believed too little was appropriated for the universities was a small subgroup of students.

There was significant support for the idea of educational television in the state. 47.2 percent of our sample indicated a desire to see Montana have ETV. Supporters of public television have a potentially sympathetic constituency. Not so for those who want more funding for the university system, nor for those who have advocated the closure of either Western or Tech, or both. The lack of public support for greater appropriations is an indication that the university system must seek support and build public opinion by showing what quality education is. Whether those who speak for the university system are capable of establishing a supportive constituency behind larger appropriations remains to be seen. It will be a hard job.

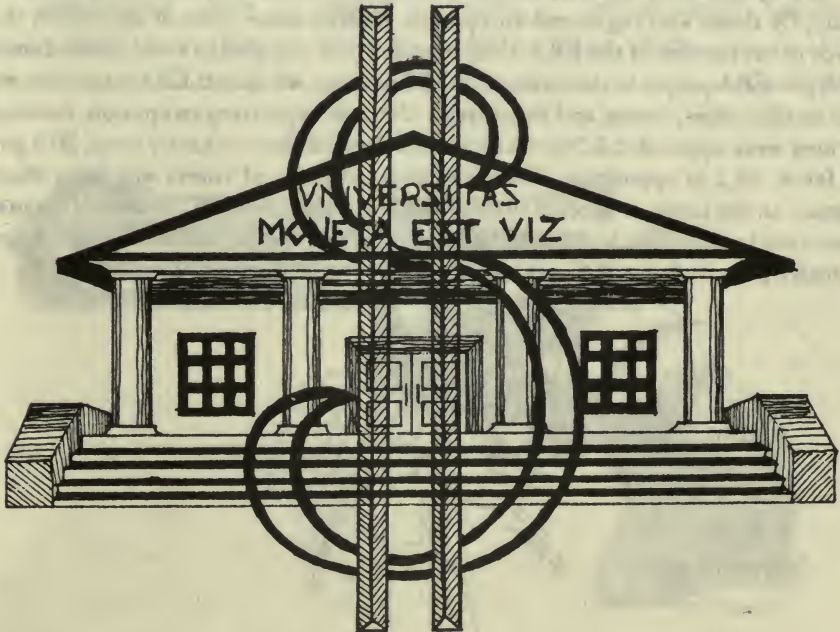


Table 4. Education

Number	Question					
4- 1.	There has been a lot of talk and studying of the system of higher education in Montana. How would you feel about the following statement: "Western Montana College and Montana Tech should be closed and their programs where needed should be transferred to the remaining units in the university system."					
	strongly agree	agree	undecided	disagree	strongly disagree	no opinion
	10.2%	13.8	17.0	29.6	25.1	4.3
4- 2.	How do you feel about the money appropriated by the legislature for the Montana university system for the next biennium? Do you feel the legislature gave the university system (circle one):					
	too much	not enough	about the right amount		not sure	no opinion
	12.6%	19.3	20.7		38.9	8.5
4- 3.	Montana should have its own educational television system.					
	strongly agree	agree	undecided	disagree	strongly disagree	no opinion
	16.7	30.5	23.3	16.2	8.2	5.1

THE EQUAL RIGHTS AMENDMENT

Pro-ERA and anti-ERA groups slugged it out in Helena (and continue to do so in other states) in 1973, 1974, and 1975. The intensity of the fight and the publicity that the fight engendered should have resulted in most voters having taken a position on the issue. Perhaps the most surprising result of this survey is that such a prediction was wrong.

A large minority (35.4%) indicated they were neutral or had no opinion on the issue. Of those who registered an opinion, slightly more were in opposition than in favor of ratification of the ERA. People tended to divide along a rural-urban dimension with pro-ERA people in the cities of 10,000 or more, while anti-ERA majorities were in the smaller cities, towns, and rural areas. Of those expressing an opinion, the majority of men were opposed (53.2%) while women divided almost exactly even, 50.4 percent in favor, 49.2 in opposition. Given the large minority of voters who have chosen to remain on the fence, it appears that ratification was indeed the concern of intense and committed minorities, and is additional evidence of the importance organized groups actually play in the policy-making process.



Table 5. The Equal Rights Amendment

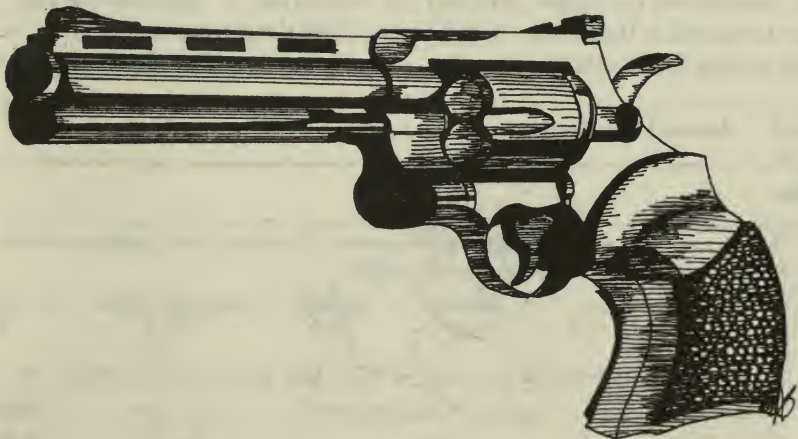
Number	Question				
5- 1.	How do you feel about the ratification of the Equal Rights Amendment by the Montana State Legislature?				
	strongly favor	favor	neutral	oppose	strongly oppose no opinion
	12.9%	18.5	26.8	19.0	14.2 8.6

GUN CONTROL

The issue of gun control cannot be understood without analyzing the intense and sustained lobbying by anti-gun control interests such as the National Rifle Association, and unlike ERA you can be sure that Montanans have opinions about gun control. Most people pay only cursory attention to the political process, but a few issues are persistently visible and the object of intense emotional commitments. One of these is gun control, and it is evident from the data presented here that when the legislature gave its reassurance by official opposition it was fully in accord with majority public opinion. What is interesting is that in this state 26.5 percent were willing to express agreement with the idea of requiring the registration of firearms.

Table 6. Gun Control

Number	Question				
6- 1.	Do you favor or oppose a law that would require the registration of firearms?				
	strongly favor	favor	neutral	oppose	strongly oppose no opinion
	10.7%	15.8	5.7	18.5	47.9 1.4



CRIME AND CONSTITUTIONAL RIGHTS

Opposition to gun control appears to be logically connected to the larger issue of crime in America. Whether real or imagined, the cause of criminal activity is often seen in the failure of courts to punish wrongdoers, or allowing the accused to go free on the proverbial "technicality."⁵ Public concern about crime, however, can easily translate into uncritical acceptance of policy which undermines personal privacy and political liberties. In this particular case, 48.9 percent of our sample were willing to agree with the proposition that evidence which had been obtained by illegal means should still be admissible in courts as provided in SB 314.⁶

Table 7. Crime and the 4th Amendment

Number	Question					
7- 1.	Evidence in a criminal trial even though it was obtained illegally should still be admitted as evidence in court.					
	strongly agree	agree	undecided	disagree	strongly disagree	no opinion
	15.6	33.3	12.8	25.7	9.4	3.2

ANNUAL SESSIONS

Likely to confront the public directly for a second time is annual sessions. Given the close margin of victory for a return to biennial sessions in 1974, and the almost successful attempt to place it on the ballot by referendum, we asked people if they would favor placing the question on the ballot. Since a drive to do just that is apparently underway, the results have relevance for the future.

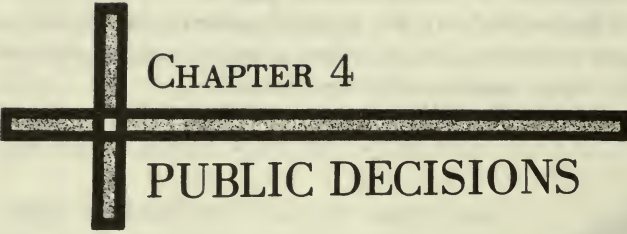
Fifty-six point three percent of our sample favor placing the question on the ballot. But when asked how they felt they would vote, the sample is split almost even in support or opposition while 14.4 percent remain undecided. Therefore, proponents of annual sessions should have no trouble obtaining the required number of signatures to put the issue before the people, but they will have to sell the idea with the vigor their opponents showed in the last election. They will find the greatest opposition to annual sessions among rural voters.

Table 8. Annual Sessions

Number	Question					
8- 1.	Would you favor or oppose placing the question of whether the legislature should meet annually on the 1976 general election ballot?					
	strongly favor	favor	neutral	oppose	strongly oppose	no opinion
	21.1	35.2	10.6	15.9	13.3	3.9
8- 2.	If annual sessions were on the ballot in 1976, how do you feel you would vote?					
	for annual sessions		against annual sessions		not sure	no opinion
	41.9		41.9		14.4	2.7

The people in our sample have spoken on the issues. But while the distribution of opinion may be interesting, opinions of the public are supposed to count in the political arena as well. Specifically the sampling of opinion operates with the assumption that what people want has some relationship to public policies. Chapter 4 will describe that relationship. To what extent does legislative policy-making operate for the good of the whole? Does policy represent in some sense codification of majority opinion? As we shall discover, the answer to these questions is at best mixed.





CHAPTER 4

PUBLIC DECISIONS

The constituent opinion on the issues (Chapter 3) was compared to the roll call votes cast by their representatives. Each citizen is represented by a senator and a representative. Roll call votes were selected which either were the final vote on the bill (to pass, to not pass, to indefinitely postpone) or a critical amendment to a bill. Table Nine is a comparison of constituent opinion with the roll call votes cast by their senators and representatives. The percentages illustrate the number of individuals in each group who have responded and went on record as being in favor of each particular issue.

First it is apparent that the House members do a slightly better job of representing the opinion of their constituents than do the senators. On the average, the majority of senators represented the opinions of 47.2 percent of their constituents; the House 57.7 percent. Second, of those 14 issues considered by both chambers, the legislative majority in both houses agreed with their constituent majority only four times. These were opposition to gun control and supporting the tax on coal, the major facilities siting act, and granting school teachers collective bargaining rights.

Of the remainder of bills the House majority represented the constituent majority on six issues while the Senate reflected the opinion of the constituent minority. These issues were repeal of eminent domain, the state moratorium on the subdivision of agricultural land, the public utilities bill, annual sessions, and giving local governments the power to approve or deny subdivisions. The senators, in contrast, represented majority opinion on only two issues while the House represented the minority. The issues were the bill to allow citizens to sue alleged environmental polluters in court (approved by the House as a whole) and SB 314, the bill designed to permit the introduction of illegally-seized evidence in a criminal trial (the bill approved by the Senate and rejected by the House). Finally both chambers represented together a minority of constituents on two issues. They were the dismantling of the infant Montana educational television system and a bill which would have permitted the state to declare a river wild and scenic.

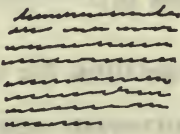
Of the remaining issues handled only by one house, legislators reflected majority opinion in opposition to the ERA (manifested in an affirmative vote to rescind approval of it), and rejection of an amendment to the university appropriations bill to give the system more money. Readers may recall that on both there were a large number of undecided, not sure, and neutral responses by constituents. Meanwhile the senators, in voting to kill the Montana Family Farm Act, and the House in rejecting the two public access bills, reflected the opinions of only a minority of their constituents.

A cursory glance at Table Nine will demonstrate that overall averages hide the considerable variation in the representation of constituent opinion from issue to issue. Table Ten brings the amount of variation into sharper focus. First the average difference of opinion between the legislators and their constituents at the bottom of the table again shows that House members were slightly better in reflecting constituent opinion than their Senate counterparts. Second, the general trend in legislative behavior is to be less supportive of many bills than constituents were inclined to be (expressed as a minus sign). The most dramatic differences involved repeal of the private use of the state's eminent domain authority, public utilities, subdivision regulation and control, public access, and wild and scenic rivers.

On other bills the differences were expressed by the fact that the legislators were more supportive than their constituents were inclined to be. Most dramatic here was opposition to gun control and collective bargaining for teachers. Finally on some issues, there was a difference of opinion between the House and Senate reflected in one chamber expressing differences with constituents by its over-supportive behavior while the difference expressed by the other is lack of support. This is especially the case in the landlord-tenant bill and SB 314. The departure from complete agreement with constituents is graphically illustrated on Chart A in center of book. The central vertical line is the place of perfect agreement between representatives and constituents. Naturally it is unrealistic to expect perfect or even approximate agreement. Rather, the democratic assumption is that the representative will reflect the will of the majority unless there is a compelling justification to not do so, for example, when the issue involves the protection of individual rights guaranteed under the Constitution. Of the seventeen issues considered by the senators, the majority reflected the will of the constituent majority on six occasions or 35 percent of the issues. Of the sixteen issues considered by the House members, the representative majority reflected the opinions of the constituent majority ten times, or on 62 percent of the issues considered here.

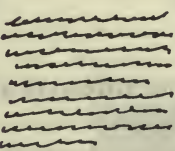
Ballot



Annual — 

☐ yes

☐ no

Biennial — 

☐ yes

☐ no

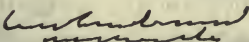


CHART A

Percentage Difference Between

	degree of greater support		
	40%	30%	20%
2-1 coal tax			
2-2 major facilities siting act			
2-4 wild & scenic rivers bill			
2-5 local government power over subdivisions			
2-6 subdivision moratorium			
2-7 private right to sue environmental polluters			
2-8 family farm act (Senate only)			
2-9 public access to rivers & streams (House only)			
2-10 public access to rivers & streams (House only)			
3-1 repeal of the private use of eminent domain			
3-2 public utilities districts			
3-3 landlord-tenant bill			
3-4 collective bargaining for teachers			
4-2 increase in university appropriations (Senate only)			
4-3 Montana ETV			
5-1 equal rights amendment (Senate only)			
6-1 opposition to gun control			
7-1 introduction of illegally-seized evidence			
8-1 placing annual legislative sessions on the ballot			

Constituents and Their Representatives by Issue

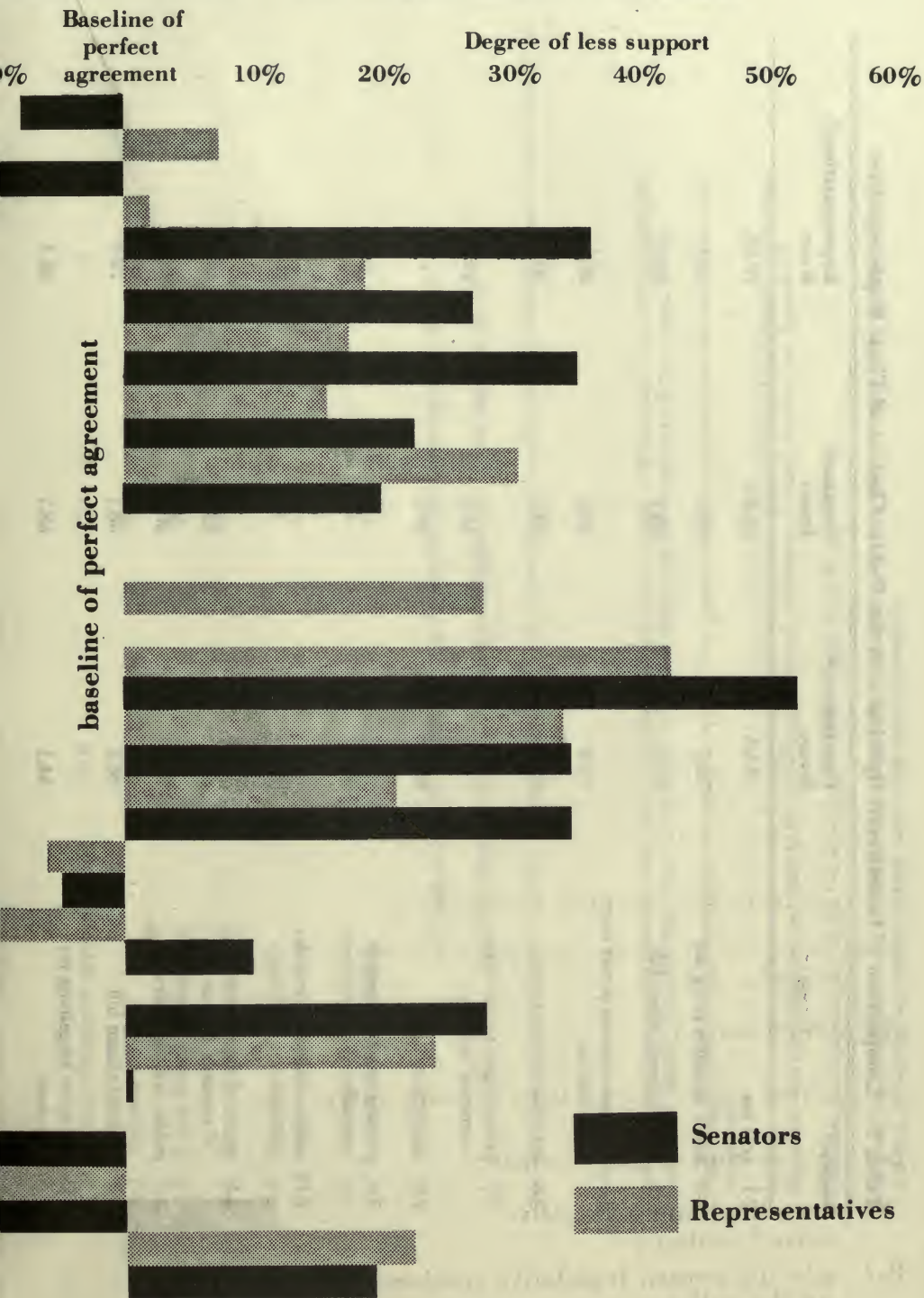


Table 9. Comparison of Constituent Opinion with the Public Choices of Their Representatives

Issues: ^A	Constituents ^B favor:	Senators ^C favor:	Representatives ^D favor:
2-1 coal tax	78.5%	86.6%	70.5%
2-2 major facilities siting act	73.8	93.3	72.4
2-4 wild & scenic rivers bill	64.9	28.1	45.9
2-5 local government power over subdivisions	74.3	46.6	56.6
2-6 subdivision moratorium	66.3	30.0	50.0
2-7 private right to sue environmental polluters	74.2	51.6	43.2
2-8 family farm act	60.5 ^D	40.2	*
2-9 public access to rivers & streams	66.1	*	37.8
2-10 public access to rivers & streams	69.2	*	26.4
3-1 repeal of the private use of eminent domain	87.7	35.4	54.0
3-2 public utilities districts	71.2	36.6	50.0
3-3 landlord-tenant bill	68.5	38.7	73.9
3-4 collective bargaining for teachers	64.1	68.7	86.1

4-2	increase university appropriations	36.6	26.6	*
4-3	Montana ETV	65.9	38.7	42.8
5-1	Equal Rights Amendment	48.7	48.3	*
6-1	Opposition to gun control	71.4	90.0	92.9
7-1	Introduction of illegally-seized evidence in court	58.3	93.7	35.4
8-1	Placing annual legislative sessions on the ballot	65.8	46.8	65.7

average number of constituents represented by the Senate majority 47.2%

average number of constituents represented by the House majority 57.7%

*—No Vote

^A Issues 2-3 and 8-2 are opinion items for which there is no comparable roll call vote. Issue 4-1 (Western and Tech's future) apparently involved no formally-recorded vote. Issue 3-4 represents comparison to the collective bargaining bill that passed, HB 481.

^B Percentages refer only to those constituents who stated an opinion for or against and does not include those who were neutral or had no opinion.

^C Includes only those voting. Percentage refers to the support given by the senators and representatives *who represent the constituents in this sample*. The percentage does not refer to the actual support in each chamber as a whole. For that, see Appendix B.

^D Expresses the average support of the two separate parts of the Family Farm Act.

^E Indicates the average percentage of constituents represented by the majority of their representatives on the issues studied. Readers will note the average represented on each issue varies rather dramatically.

Table 10. Difference (by percentage points) between Constituents and Their Legislators by Issue

Issues:	Percent Difference—Senators		Percent Difference—Representatives	
	Percent Difference	Percent Difference	Percent Difference	Percent Difference
2-1 coal tax	+8.1%		-8.0%	
2-2 major facilities siting act	+19.5		-1.4	
2-4 wild & scenic rivers bill	-36.7		-19.0	
2-5 local government power over subdivisions	-27.7		-17.7	
2-6 subdivision moratorium	-36.3		-16.3	
2-7 private right to sue environmental polluters	-22.6		-31.0	
2-8 family farm act	-20.3		*	
2-9 public access to rivers & streams	*		-28.3	
2-10 public access to rivers & streams	*		-42.8	
3-1 repeal of the private use of eminent domain	-52.3		-33.7	
3-2 public utilities districts	-34.6		-21.2	
3-3 landlord-tenant bill	-29.8		+ 5.4	

3-4	collective bargaining for teachers	+4.6	+22.0
4-2	increase university appropriations	-10.0	*
4-3	Montana ETV	-27.2	-23.1
5-1	equal rights amendment	-0.4	*
6-1	opposition to gun control	+18.6	+21.5
7-1	introduction of illegally-seized evidence	+35.4	-22.9
8-1	placing annual legislative sessions on the ballot	-19.0	-0.1
average percentage difference of opinion between constituents & Senators, 23.7%			
average percentage difference of opinion between constituents & Reps., 18.1%			

+ indicates representative support greater than that of their constituents

- indicates representative support lesser than that of their constituents

*No Vote

The difference of opinion between senators and their constituents was often statistically significant. Our operating hypothesis is that there will be little or no difference of opinion between constituents and representatives. The degree of agreement or disagreement can be statistically expressed by Chi Square (x2). In Table Ten we want to know to what extent the differences shown are

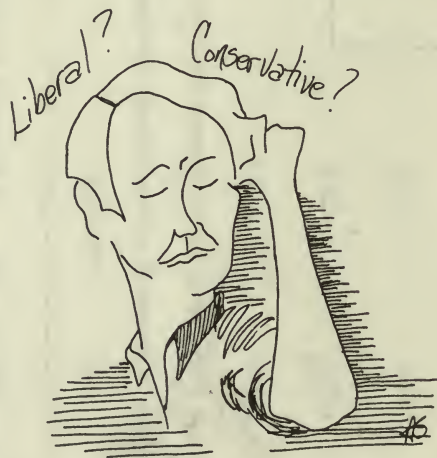
larger than we would expect by chance. In a statistical sense many of the differences are in fact of a much greater magnitude than that which is the product of chance variation. The actual values of x2 and the probability associated with an x2 of that magnitude of summarized in Tables A and B in Appendix C..

More important in the everyday world is whether the differences expressed are important and meaningful in telling us something about the quality of

representative government. In the sense of expressing something about the quality of representation, the differences are certainly cause for some concern.

If the reader will focus on the fourteen issues considered by both chambers a pattern emerges. It is obvious that the observation often made by experienced legislature-watchers that the House is the liberal chamber while the Senate is more conservative is confirmed by the data presented here.

If we define as liberal an inclination to favor greater government intervention in the economy and greater government responsibility for environmental protection, being less inclined to be sympathetic to business claims as opposed to labor claims, and being less supportive of the presumed rights of private property; then the House is the more liberal chamber. The House is more inclined to an alleged anti-business stance (support for public utilities, repeal of eminent domain), and more inclined to support greater government regulation of the uses of private property. A greater role for government in general is manifested in the House's higher level of support for annual sessions. A majority of constituents seemed inclined to support such positions as well. Thus, the apparent liberalism of constituents on these *kinds of issues* when matched with the relative liberalism of the House contribute to the lower chamber's better average in reflecting constituent opinion compared to the Senate.



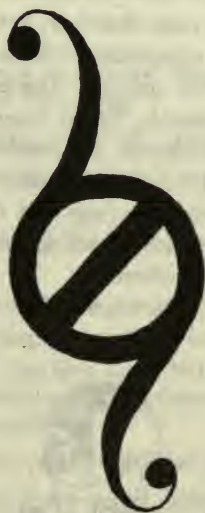
When constituents are conservative, however, the Senate is likely to reverse positions with the House, and that is the case here. Richard Scammon and Ben Wattenberg among others have noted that the average citizen, while he or she is a liberal in economics, is a conservative on other issues, summarized as the *social issue*. The social issue is a combination of concern and fear about crime, race relations, and fear of disruptive social change.² Thus, when the Senate passed the bill allowing the admission of illegally-obtained evidence in a criminal court proceeding, it did reflect majority sentiment while the House did not. Similarly, the sixteen senators in the sample who voted for the resolution to rescind the Equal Rights Amendment reflected the majority (51.3%) of those who expressed an opinion. Constituent opinion here reflects the conservative side of voters. The citizen is worried about crime, and believes that courts are too lenient, or the law is loaded with "technicalities" which the guilty use to escape justice (Table 11). Similarly, opponents of the ERA have argued that in essence the proposed amendment represents disruptive and unwanted change, an amendment bound to appeal to the social conservatism among voters.³

Table 11.

Number	Question				
The trouble today is that too many criminals are turned loose by the courts on technicalities.					
strongly agree 56.9%	agree 32.3	undecided 5.2	disagree 3.4	strongly disagree 0.9	no opinion 1.3

Do legislators "act to codify majority opinion into binding regulations and law"? It seems to depend on the issue. Looking at the totality of issues, some issue positions taken by legislators do codify majority opinion, while many in fact codify minority opinion as well as the "opinion" expressed by organized interests. The latter appears to be especially true on some economic issues. Thus, it would appear that legislators often fail to reflect majority sentiment.

But a precondition necessary for representative bodies to begin to reflect majority sentiment is that the constituents communicate their sentiments, that they be informed about the job their representative has been doing, and that they exhibit some knowledge of what the legislature actually did. For a representative to represent the policy wishes of his or her constituents, the representative must first know what the constituent wants.



CHAPTER 5

THE CONSTITUENTS

In order for constituents to have their private opinions influence and shape public policy, they must communicate their feelings to their representatives. In order to communicate the constituent must know who his senator or representative is.

The present constitution of the state of Montana provides opportunities for citizens to become aware of the work of the legislature and the performance of their particular representatives. The election of all members of the legislature in single member districts reduces to two the number of representatives who are elected by individual constituents and the smaller number of representatives should make it easier for constituents to keep track of their representatives and thereby hold them accountable for what they do.

It should also be easier for the constituent to know what his or her representatives did (or are about to do) because the new constitution requires that all significant votes be recorded in committees and in each chamber. Article V, Section 10 (3) states: "The session of the legislature and the committee of the whole, all committee meetings, and all hearings shall be open to the public." Lawrence K. Pettit and associates in *Legislative Process in Montana* report, "Open meetings and public access have now become the rule. All committee meetings, and meetings of the committee of the whole, and all votes of the legislators have become available for public scrutiny." They then conclude: "Because of these open meetings and the vote recording provision, the actions of the Montana Legislature are a great deal more visible to the public than they have been before the 1972 Constitution."¹

Our data does not support such a conclusion. The provisions of the constitution are creating opportunities for greater public participation and greater awareness of the



legislative process. But there is no evidence of greater participation and awareness *in fact*. On the contrary, the data suggest that *a large majority of voters have not taken advantage of the opportunities provided*. Few bother to communicate their opinions and only a minority have the minimum information to be able to communicate with their representatives should the mood strike them.

Only 38.1% of the voters in this sample could correctly recall the name of their state representative; 41.8% the name of their state senator. The majority could not recall the name of their two representatives or gave incorrect names. State legislators remain relatively invisible political actors in Montana.²

Asked if they could recall anything in particular about the job their state representative and state senator were doing, only a very small minority were able to do so. 78.6 percent could recall *nothing* at all. Of those who did mention something (21.4%), only one in twenty evaluated their representatives with reference to public policy, e.g., that the representative had sponsored a bill, or had taken a stand on an issue which the constituent agreed with or opposed (Table 13). Very few evaluated performance in terms of the representation of group interests, for example, the perception that the representative was friendly or hostile toward the groups the constituent belonged to, or was *too close* to certain groups. Most of the comments concerned the personal characteristics of the representative, divorced from any reference to public policy. Examples of constituent comments will serve to illustrate how the minority of constituents who were able to evaluate their representatives with reference to some criterion responded:

"They are doing as well as can be expected under the existing circumstances." (personal character)

"They are not environmentally oriented." (policy reference)

"On the whole they do an impossible job in a limited amount of time." (personal)

"[The legislator] is pushing hard for the teacher lobby," (group representation)

"Yes, I believe they are doing a fair job in representing agriculture . . ." (group)

"I voted for _____ the first time, but he isn't interested in the welfare of _____ county. He is interested in \$\$\$. . . _____ is not much better." (personal)

"I feel they're doing there [sic] best." (personal)

"Both seem to want more government power . . . They both seem to favor gun control and that is against our wishes." (policy)

"Would like them to represent the people like they campaigned for their jobs." (personal)

"_____ listens to the people. _____ I'm not so sure of." (personal)

Table 12. Constituent Recall of the Name of Their State Legislators (Percent)

	Senator	Representative
Correct	41.8%	38.1%
Incorrect	22.2 ^A	23.1 ²
Don't know	36.0	38.8

^A The incorrect responses involved overwhelmingly the constituent giving the name of a U.S. Senator or Congressman rather than a state legislator. This is evidence that the low rate of recall is not simply a temporary function of the changeover to single member districts, but is typical. Perhaps the rate is higher than that which we would find under the old multi-member districts. We may suspect that people were embarrassed to admit that they did not know and naming a U.S. Congressman was an attempt to partially compensate, at least psychologically, for the exposure of one's lack of knowledge.

Table 13.

"In conclusion, is there anything in particular that you like or dislike about the job your state senator and representative have been doing?"

Type of response	Percentage
public policy reference	1.4%
group representation reference	1.9
personal character reference	11.9
other ^A	2.0
nonspecific commentary ^B	4.2
no, nothing	78.6

^A In the category "other" are included those who suggested reform of the state legislature without referring to their representatives and those who evaluated their representatives ideologically, e.g., the representative was "too conservative" or "too liberal."

^B Here the constituent has taken the opportunity to give voice to an opinion without reference to the state legislature or his representatives. Here the constituent might say something like, "There are too many people on welfare," or, "Something ought to be done about the crime problem"

The remainder of those able to recall something gave replies that were not verbally tied to any legislative behavior, e.g., the nature of the times, suggested reform without mention of the representatives, e.g., a common complaint was the large number of bills introduced, while others gave what we have called "non-specific commentary" in which no reference to the legislature or the representative could reasonably be assumed. In summation, only a small minority of citizens see and rate the quality of the representation they are getting in terms of public policy or by referring to the representation of group interests. The large majority in contrast had simply not paid enough attention to the work of the legislature or their representatives in particular to be able to recall anything at all.

Perhaps this is because most people expect little from the legislature in any case. A majority of the constituents in our sample (55.3%) could think of *nothing* they would like to see the legislature do if it were in session while, again, only a small minority (16.5%) mentioned specific policy they would like to see enacted, repealed, or considered (Table 14). Typical kinds of examples were reference to repeal of the ERA, opposition to liberalized gambling legislation, increased pay for state employees, and the like. Of the remainder some mentioned reform, while others used the opportunity

to express generalized antagonism. For example if the legislature was in session, it should adjourn or the members should resign.

Finally, 19.3 percent simply voiced general policy preferences and concerns. They were concerned about crime, or something should be done about "the welfare mess," or "against gun control." Again, for legislative bodies to represent public opinion, they must have a public that has opinions about what the legislature should do, or not do. But for the majority of citizens, the affairs of the legislature remain obscure, and the job their representatives are doing (or not doing) as lawmakers is almost invisible.

Table 14

"If the state legislature was in session now, is there anything that you would like to see it do?"

Response:	Percent Mentioning:*
Mentioned specific legislation	16.5%
Mentioned general policy preference	19.3
Reform suggested	4.9
Expressed general dissatisfaction	7.7
Other	4.2
No, nothing	55.3

*Percentages add to more than 100% due to the fact that some individuals mentioned more than one thing they would like to see the legislature do.

Given what has been presented so far, it should not surprise anyone that only a small minority of citizens took the time to communicate their opinions (Table 15). Of those who did, the majority expressed their opinion about specific policy involving a variety of concerns. People are highly selective in their attention and tend to focus, if at all, on a particular issue of intense emotional concern or legislation that will help or hinder the economic situation of the petitioning citizen. Often those who do communicate their opinions have been motivated by the agitation of organized interests who are seeking to build grass-roots support for their position.

Table 15. Voter Contacting of Representatives

	Percent
Contacted the representative to express an opinion	21.3
Did not contact	78.7

Representatives and senators who represent the people in this sample were asked to indicate on what percentage of issues they had received little or no communication of constituent opinion. Their answers clustered between 90 to 95 percent.³ Asked on what

issues they received the greatest volume of constituent mail, legislators named the public utilities bill, the new state pay plan, collective bargaining for teachers, the Equal Rights Amendment, environmental issues, and various issues of apparent local concern.

But except for issues of local concern, these legislators reported that the same issues were the subject of intense lobbying efforts by organized interests. Consequently, much of the mail sent by constituents appears to be part of an organized effort, initiated by interest groups themselves. A senator from the western part of the state commented, "Mail usually came from organized group activity, e.g., power company employees, labor groups, church groups, or special crusaders." The issue which generated the most mail, according to the representatives, was the public utilities bill followed by the state pay plan, job classification, environmental issues, the Equal Rights Amendment, and teachers' collective bargaining rights. In all of these, organized interests were active and persistent.

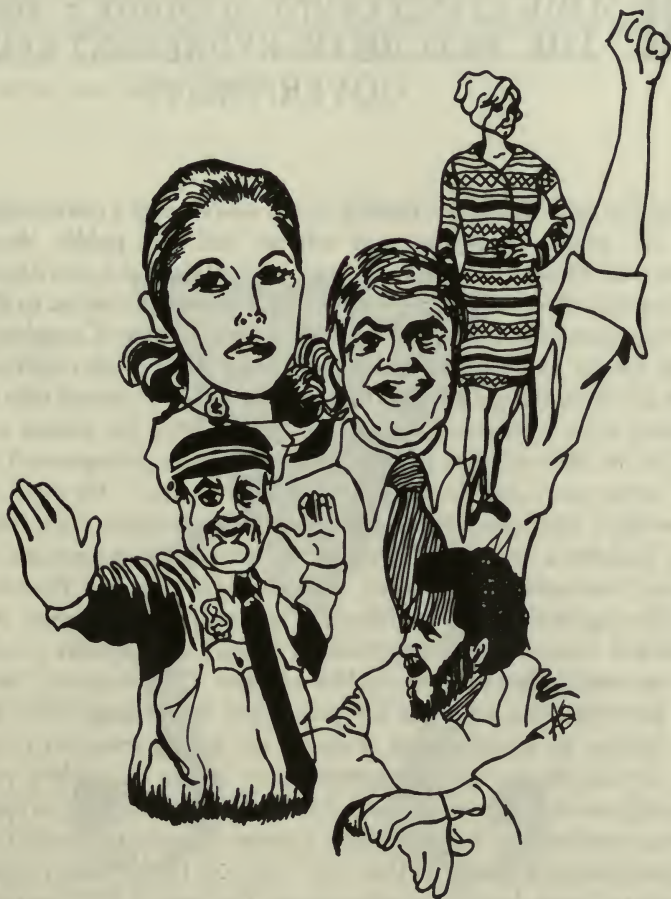
The observation made by political scientists Malcolm Jewell and Samuel Patterson of state legislatures would appear to apply to Montana today:

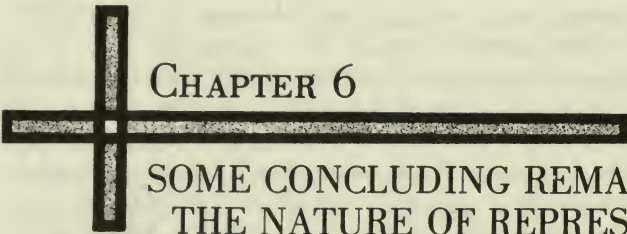
The American legislator is not generally very visible to his constituents, even to those who go to the polls to vote for him. And the American constituent is poorly informed concerning the identity of his legislator, the work of the legislature, and the policy position of his representative. But these things are not true of all constituents.⁴

While a few communicate their opinions, often in conjunction with lobbying efforts by organized interests, most citizens abdicate their responsibility and desert the field. They have the right and some measure of opportunity to inform themselves, but they do not. They have the right to communicate their opinions, but often do not. The failure of most constituents to keep informed and to give voice to their wishes eliminates the single most important cue which an elected representative ought to have, the cue from the people to whom he or she is constitutionally responsible.

It is the people in the district who are obliged to accept or reject their representatives. We do not constitutionally recognize virtual representation, a system in which economic, social, ecclesiastical, or the most vocal interests are accorded a percentage of representative seats by right. Rather the right extends to all people equally without regard to race, sex, class, education, and income. But in fact, the majority of citizens appear little interested in the legislative process or the lawmaking behavior of their own representatives. The void which thus exists between representatives and constituents, expressed in part by a gap between private opinions and public decisions, is readily filled by other interested parties. In the absence of communication of opinions from the people who elected him, the representative or senator, faced with hundreds of bills requiring a decision, must of necessity turn to other sources for information. These other sources may be the legislator's personal conception of good public policy, the position of the party and the campaign platform promises made, the information and assistance provided by interest group

representatives (prejoratively called lobbyists), or the self-interest of the social and economic constituency to which the legislator as a private citizen belongs. For a legislator always "represents" somebody, even if it is no more than the legislator's own social and economic biases.





CHAPTER 6

SOME CONCLUDING REMARKS ABOUT THE NATURE OF REPRESENTATIVE GOVERNMENT

Perhaps the most significant finding of this study is that a considerable gap existed between the private preferences of citizens and the public choices of their representatives. Further data we have provided is offered as a partial explanation for this phenomenon. The majority of people paid little or no attention to the behavior of their elected representatives. Only a minority were capable of supplying *the name* of their state senator and representative. Few when asked could recall anything at all about the job these elected officials had been doing. Few citizens take the trouble to communicate their opinions. The greater opportunities for citizen awareness and participation in the legislative process which have been incorporated in the present Montana Constitution remain just that — opportunities — for most citizens.

But we don't want to overstate the case and simply blame the average citizen for failure to perform a civic duty. The modern process of government requires that citizens give it only selective attention. The volume of legislation found even in a rural and sparsely populated state like Montana is simply overwhelming. Approximately 1,200 bills and resolutions were introduced in the last legislative session. If we pay attention we must budget our time and be selective. Unfortunately, the data we have gathered provides little evidence for portraying the average voter as even being selective. Rather the average voter is simply not paying attention at all.

It is unrealistic to expect representative bodies to reflect public opinion systematically and on a day-to-day basis, if the public does not have an opinion on many of the issues confronting the legislature. Citizens cannot stand over the shoulder of their representatives and say "do this" and "don't do that." Rather, representation is more a matter of trust than giving instructions. Professor E. E. Schattschneider in his book, *The Semisovereign People*, has observed:

People are able to survive in the modern world by learning to distinguish between what they must know and what they do not need to know . . . Our survival depends on our ability to judge things by their results and our ability to establish relations of confidence and responsibility so that we can take advantage of what other people know. We could not live in modern society if we did not place confidence daily in a thousand ways in pharmacists, surgeons, pilots, bank clerks, engineers, plumbers, technicians, lawyers, civil servants, accountants, courts, telephone

operators, craftsmen, and a host of others. We pass judgment on the most complex mechanisms on the basis of the *results* they produce.¹ (Original emphasis).

Unfortunately, it would appear that the ordinary citizen expects little from government in the form of positive results and consequently exercises more care in the selection of a plumber or a doctor than an elected representative.

In conclusion, the citizen must realize that the rules governing the conduct of all of the people are determined ultimately by legislative bodies. It is the legislature which determines what "law" doctors, lawyers, plumbers, etc., operate under. It is the legislature which determines what is the public interest. In the face of public apathy and indifference it is surprising sometimes the quality of representation that does occur. It is the hope that this monograph will contribute toward increasing citizen concern and interest in the legislative process.



FOOTNOTES

Chapter 1 - THE REPRESENTATIVES AND THE REPRESENTED: THE 44th MONTANA LEGISLATIVE ASSEMBLY IN RETROSPECT

¹Malcolm E. Jewell and Samuel C. Patterson, *The Legislative Process in the United States*, 2nd ed. rev. (New York: Random House, 1973), p. 151.

²*Ibid.*, p. 151.

³*Ibid.*, pp. 358-359.

⁴Citizens Conference on State Legislatures, *The Sometime Governments: A Critical Study of the 50 American Legislatures* (New York: Bantam Books, 1971), p. vii.

⁵*Constitution of the State of Montana* (Helena: Office of the Secretary of State, 1972), p. 1.

⁶Lawrence K. Pettit, et. al., *Legislative Process in Montana* (Washington: American Political Science Association, 1972), p.1.

Chapter 2 - THE ISSUES

¹The issues selected resulted from discussions between the researcher and the M.S.U. legislative and executive interns who served in Helena when the 44th Legislative Assembly was in session. Each issue was discussed and evaluated. The issues included here are the fruit of those discussions.

Chapter 3 - PRIVATE REFERENCES

¹Random selection means that every single registered elector had an equal chance though small in probability to be included in this survey. Random selections means the pick operates purely by chance, the equivalent of flipping a coin to decide who to pick or not to pick. In the particular case there are 960 precincts in the state. They were numbered from 1 to 960 and every 57th precinct was selected until 50 precincts had been drawn. There were approximately 21,000 registered voters in these randomly-selected precincts. Two thousand random numbers in the range from 1 to 21,000 were generated by computer and the voters corresponding to these random numbers were thus drawn as the sample. See Appendix A for details on the methodology employed.

²See Appendix A.

³*Gallup Opinion Index*, no. 90 (December, 1972), p. 12.

⁴Readers should consult census data on the registering and voting population, U.S. Bureau of Census, *Current Population Reports*, Series P-20, no. 253, "Voting and Registration in The Election of November, 1972" (Washington, Government Printing Office, 1973) esp. ivpp. 1, 17, 48-49, 51, 54, 56, 93-94. This nationwide study showed the age groups least likely to register were the very youngest and very oldest, the poorly educated, blue collar, service and ranch workers, and those with low income. For example, of those with incomes of \$7,499, only 61.6 percent registered to vote while of those with incomes in excess of \$15,000, 85 percent registered to vote and 79.8 percent actually voted, considerably above the national average. See also Sidney Verba and Norman Nie, *Participation in America, Political Democracy and Social Equality* (New York: Harper and Row, 1972), pp. 97-101, 334-343; Lester Milbrath, *Political Participation* (Chicago: Rand McNally and Co., 1965), pp. 114-128.

⁵89.2 percent of our sample agreed with a statement which alleged that too many criminals were being turned loose on "technicalities" while 83.3 percent felt that courts were not treating people convicted of a crime with sufficient harshness.

⁶The 4th Amendment of the United States Constitution says: "The right of the people to be secure in their person, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons to be seized. Courts have interpreted this Amendment to mean that a warrant is required except under certain specified exceptions, e.g., when a crime is in progress. The state may not engage in a search as a "fishing expedition" in the hope of discovering damaging evidence. The point of the amendment is to safeguard all citizens from warrantless searches by arbitrary public officials or the use of blanket warrants which give police license to engage in unrestricted searches (used by the German Gestapo). Evidence which is obtained in violation of the provisions of the 4th Amendment is therefore not admissible in a court, and rightly so.

Chapter 4 - PUBLIC DECISIONS

¹The average 57.7 percent includes the percentages for issues 2-6 and 3-2 in which the representatives in this sample came out as tied on the relevant role call vote. However, the 18 out of the 36 who did vote for these bills voted with the majority on the issue and hence they are included in this particular average for illustrative purposes. Removal of the two issues and recalculation of the average results in little change. Minus the two issues the House average becomes 56.2 percent, still considerably above the Senate.

²Richard M. Scammon and Ben J. Wattenberg, *The Real Majority* (New York: Coward, McCann and Geoghegan, Inc., 1970, pp. 40-44.

³Opponents charged that the ERA would undermine the laws presently protecting women, that it would undermine the traditional female role of wife and mother, and that it would disrupt family life. The validity of such claims are beside the point here. There are, however, extremely effective arguments with a significant portion of the population.

Chapter 5 - THE CONSTITUENTS

¹Pettit, *op. cit.*, p. 4.

²This apparent low level of citizen awareness among the registered voters can only adversely affect the degree to which the elected representation is in a position to reflect the opinion of his or her district. Further, shocking as the low level of awareness is, the percentage unable to even recall the name of the representative would be higher if the general adult population was the universe from which the sample was drawn. That is, if we included all adults, including the non-registered, the level of awareness would decline. At least, that is the considered judgment of the researcher.

³A questionnaire was sent to the state representatives who represent the people in this sample. Forty-three of the 70 did reply giving a return rate of 61.4 percent. This is somewhat disappointing in a way, but the returns obtained were sufficient for the study here in that if one is sampling a highly specialized group the return rate need not be as high as for the general population.

⁴Jewell and Patterson, *op. cit.*, p. 359.

Chapter 6 - SOME CONCLUDING REMARKS ON THE NATURE OF REPRESENTATIVE GOVERNMENT

¹E.E. Schattschneider, *The Semisovereign People* (Hinsdale, Ill.: The Dryden Press, 1975), p. 134. This is a reprint of the original edition which came out in 1960, under a different publisher.

Appendix A

POLLING THE PUBLIC

Public opinion sampling is a multimillion dollar business. Polls are used by political candidates, government agencies, social scientists, and business. To the average citizen the method may seem to be some form of computer black art practiced by pollster-priests who are in possession of special knowledge that only the gifted few can master. In fact, with time, care, patience, and a little money, interested citizens can conduct a poll which is quite satisfactory. The mailed questionnaire survey has several advantages which make it attractive. It is fairly cheap, does not require the use of trained interviewers, and it is easy to administer. Its major shortcoming is a low rate of return which might result in a sample which is unrepresentative of the population you wish to describe.

To begin a survey, first you have to establish what it is you want to know. Often the best way is to state the problem in the form of a question. "How do the people in _____ feel about coal development?" Or in the particular study here, "What is the relationship between public opinion and legislation?" It is important to not begin with a question that is so narrow that it excludes some information which is vital to the description. For example, "How do the people in _____ feel about Colstrip Units 3 and 4?" In fact, you really want to know about public opinion regarding coal development, but by asking the question in this way the results cannot tell you much beyond the particular case.

Next, you proceed to draw a questionnaire. Normally it will consist of two parts. The major portion will deal with the opinions of the people you are sampling; the minor portion will deal with the demographic characteristics of the people being questioned. In phrasing your questions you may choose to use either open-ended or structured questions, or both. An open-ended question asks the subject to supply his answer in his own words. "Is there anything you would like to see the legislature do?", is an example. Open-ended questions have the virtue of not excluding vital information because of structure. They are especially good when you ask people about the future, about events which may be uniquely experienced by each individual, or actions taken by them ("Did you contact your representative? If yes, can you recall what it was about?"), or where you simply have no real knowledge to predict what the typical and common responses will be.

The major drawback of open-ended questions is classification of the responses into general categories. There are examples in the body of this monograph. Structured questions have the virtue of ease of administration. They are especially good when you are asking simple agree and disagree kinds of questions — questions typically used in public opinion polling. To summarize, where you do not know what the general characteristics of opinion are it is better to leave the questions open-ended, especially in future-oriented inquiry, or when you want to find out what is bothering people. An incorrect way to approach what bothers people is to ask: "Below are some issues that concern people, please indicate which concerns you the most, the least." How do you know the issues you have supplied are the issues? Well, you probably don't. You may simply distort reality because maybe the real concerns of people are not the ones you have predicted. It is better to say, "What things really bother you right now?"

Second, have some educated understanding or conception of the kinds of

knowledge possessed by the population and what concerns them. Nothing will generate individual hostility faster than to ask people about things they haven't the slightest knowledge of, or to ask them something which is of little or no concern. For example, "Do you favor or oppose House Bill 80?" What? Very few people will be able to recall the substance of the bill by number, and hence you will get a majority of "no opinions" and meaningless hostility. Or it would be absurd to ask residents of Los Angeles what in their opinion was the best way to milk a cow.

Avoid the use of leading questions, emotionally-evocative words, and the mingling of more than one issue or concept in a single question. There are exceptions to this rule, and sometimes the use of certain words cannot be avoided, but it is a good rule to follow. For an example let us look at how we might approach measuring public agreement with the issue of gun control. The wrong way would be to take HJR 65 literally in phrasing your question. "Would you favor or oppose a law that required the registration and confiscation of firearms?" (See Issue 6-1). There are two separate ideas here, registration and confiscation. Placed together all you will find out is that some favor both (very few we might suspect). Indeed the question as phrased is so leading that it will bias the result. "I'm sick and tired of hearing people attack patriotism, morality, and other traditional American values." How would you respond to that? It is doubtful that a commentary will subsequently report: "20 percent of our sample *are not* sick and tired of hearing people . . ." Keep in mind that no matter how you phrase a question, you are supplying it and because of that you cannot avoid some bias just from the fact of asking. What you can avoid are the gross kinds of errors that are often committed by poor wording of the question in the first place.

Drawing the sample is a more complex process. We will focus on one type of sample, the random sample. A sample is simply a portion of a larger population which you wish to study. Depending on the size of the population you are concerned with, the sample need only be a tiny percentage of a large population. But the sample should be relatively large in comparison to the total if the population is relatively small, e.g., the citizens of Glendive.

Random sampling is just as it implies, subjects in the sample have been selected at random, by chance. Random selection insures that every individual in the population has an equal chance of being selected. If the random sample is large enough, it will tend to approximate in fact the characteristics of the larger population which you wish to describe. The rough rule of thumb is the larger the sample the better, but the actual sample can be very small, yet extremely accurate. Consider, for example, the major national polls. In the particular study here a random sample of 2,000 was drawn. The number 2,000 was thought to be a minimum figure to get a sample that was large enough to include significant subgroups of the population studied. Assuming a return rate of 50 percent, we would have a thousand in the final sample. In fact, the return rate was 53 percent. In this particular case, the characteristics of Montana voters are unknown, but based on what we know about voters as opposed to non-voters the actual characteristics of the sample do approximate the characteristics of a voting population.

Random selection and a large enough sample will result in one which is "representative" broadly of the population described. (Of course, questionnaire wording and other techniques described below affect the return rate and the return rate affects how representative the final sample will be.) How large is large enough? There is no precise answer. For example, the people in this sample comprise one-half of one

percent of the electorate. The smaller the population the greater should be your sample as a percentage of the total. Consider a situation where you want to find out the opinion of the voters in a rural county composed of 2,000 registered voters. One percent of the population in this case would only be 20 voters, and would be far too small to make a generalization. Consider you want to break down your sample of 20 by occupation to see how people might differ, and you only have one rancher. Can you say anything about ranchers in _____ County? Hardly. Be generous, randomly select 25 percent of the population or more. In that way you will insure that there will be large groups of ranchers as well as others and then you can make meaningful generalizations.

If the population you want to describe is truly small, then randomization really is superfluous, and you might as well sample all of them. For example, all doctors in cities and towns of less than 1,000 is probably a fairly small sample of people. Now you must specify the population you want to deal with before you can actually select the sample. If the population sample is the voters then obtaining the voter registration lists from the county clerk is your first step. If the general public, the phone book might be the most convenient source. Let us say you want to deal with opinion in a small area, the county. Simply get a copy of the precinct lists. Using the example above just pick a number and then select every Nth voter (etc.) on the lists from front to back, front to back, until you reach 500. If you have the computer technology available you may assign each voter a number (in this case, from 1 to 2,000), and then have a computer generate a list of 500 random numbers within the range 1-2,000 to get the sample. In either event, selection is by chance, and chance selection, given a large enough sample, will result in a pool of people who will approximate the characteristics of the population from which they were drawn.

Now you send the questionnaires to the people you have selected. As we have stated, the major problem is the return rate which unless corrective measures are taken can be extraordinarily low, less than 20 percent. These are the things you can do to increase the rate of return:

1. Pretest the questionnaire on a small subsample to check for questions which are unclear, might be offensive, or simply can't be answered as written. Nothing will contribute faster to a disappointing return than a poorly worded questionnaire.
2. Ask only what you need, and no more (A pretest will help establish what is really necessary.). In mailed questionnaires the rule is the shorter the better. The greater the length the more subjects will become frustrated and turned off. Remember you are intruding on their time.
3. The questionnaire can be sent either first or third class. Third class mailing is definitely the economical option. Check with the post office about getting a third class mailing permit. Remember that a major drawback of third class is that it is not forwarded if the recipient has moved. If you have reason to believe that your population is fairly mobile (and you will, if you are using voting lists from an urban area), your return rate will be adversely affected simply because subjects moved. Therefore, stamp on your mailing "address change requested" or "return to sender." It will cost you first class postage to find out in this way how many of your original sample simply failed to get the initial questionnaire, but it is worth it. Randomly select replacements.

4. Always accompany your questionnaire with an explanatory letter outlining the purpose of the survey, the importance of each recipient's participation, and the social utility of the project.
5. People will be slow and reluctant to participate. Stress in your letter that the information they supply will be treated as anonymous and confidential, and indeed it must be so treated.
6. One week into the survey send a postcard to all subjects reminding them to return the completed questionnaire.
7. Three weeks into the survey you should have a return rate in the area of 35 percent. At this juncture if you want to increase the return you have some options. Send a second questionnaire. Send a second letter following up the postcard. Or send a letter, and if that fails, send a second questionnaire by certified mail. If you send a second questionnaire, especially by certified mail, you should have no trouble in achieving a return rate in excess of 50 percent and that is a good rate of return. Remember the larger the sample the better, and with mailed questionnaires, the higher the rate of return the better.
8. Return rate may be adversely affected by the way in which you ask people about their personal characteristics (You need this information in order to know to what extent your sample is representative of the population from which it is drawn.). Use of a standard census classification would be most appropriate (See Table 1) in which people can simply check the category which most closely approximates their situation. A question about income is the most sensitive and will result in the most refusals even though people are asked only to check the approximate category. Live with it.

A good discussion of the techniques involved in research of this type is discussed in the following publications:

Delbert C. Miller, *Handbook of Research Design and Social Measurement*, 2nd ed. (New York: McKay, 1970).

Dan Dillman, "Increasing Mail Questionnaire Response in Large Samples of the General Public," *"Public Opinion Quarterly,"* 36 (Summer, 1972), pp. 254-257.

Appendix B

REVIEW OF MAJOR LEGISLATION COVERED IN THIS STUDY

Issue	Number	Subject	Disposition
2-1	SB 13	coal tax	approved by House 64-28 approved by Senate 41-7
2-2	HB 581	major facilities siting act	approved by House 64-18 approved by Senate 42-6
2-4	HB 59	wild and scenic rivers bill	approved by House 56-37 rejected by Senate 20-30

Issue	Number	Subject	Disposition
2-5	HB 666	local government sub-division powers	approved by House 43-30 approved by Senate 27-20
2-6	HB 319	subdivision moratorium	approved by House 56-40 rejected by Senate 20-25
2-7	SB 203	private citizens suing environmental polluters	approved by House 53-44 ^A approved by Senate 29-20
2-8	SB 74	Family Farm Act	rejected by Senate 24-26
2-9	HB 79	public access	rejected by House 45-52
2-10	HB 98	public access	rejected by House 32-62
3-1	HB 82	repeal of private use of eminent domain	approved by House 51-44 rejected by Senate 19-29
3-2	HB 80	public utilities district bill	approved by House 51-45 rejected by Senate 20-28
3-3	HB 262	landlord-tenant bill	approved by House 80-18 rejected by Senate 24-25
3-4	HB 481	collective bargaining for teachers	approved by House 85-9 approved by Senate 38-12
4-2	HB 271	amendment to the university appropriation bill	failed in the Senate 17-30 ^B
4-3	HB 285	appropriation for ETV to go out of business	approved by House 51-45 approved by Senate 28-21
5-1	SJR 20	rescind approval of ERA	rejected by Senate 19-29
6-1	HJR 65	opposition to gun control	approved by House 77-4 approved by Senate 44-4 ^C
7-1	SB 314	introduction of illegal evidence in court	approved by Senate 44-6 modified, then approved by House 67-22, died for want of a compromise
8-1	SB 31	referendum to place annual sessions on the 1976 ballot	approved by House 72-28 approved by Senate 27-23, died. ^D

^A vetoed by the Governor.

^B An amendment offered by Senator Watt to increase the university appropriation.

^C Here a joint resolution is expressing the opinion or the sentiments of the legislature. In this form it need not be signed by the Governor.

^D The Attorney General ruled that it would take a two-thirds vote summed from the combined vote of both houses for the referendum to be placed on the ballot, that is, 100 votes. As you see, it failed by one vote.

APPENDIX C

Table A. Comparison of Constituent Opinion with State Senators on the Issues

ISSUES ^A	Constituents : ^B		Senators : ^C		% Constituents Senate Majority Agrees with : ^D	Chi Square	Chi Square Probability : ^E
	Favor	Oppose	Favor	Oppose			
2-1	672	182	24	6	78.7%	0.68	.98-.95
2-2	649	230	28	2	73.8	4.82	.02-.01
2-4	578	313	9	23	35.1	16.46	.001
2-5	657	227	14	16	25.7	10.00	.01-.001
2-6	520	264	9	21	33.7	15.20	.001
2-7	689	16	15	74.2	6.71	.01-.001	
2-8	538	411	13	19	43.3	2.63	.20-.10
2-8	628	362	13	19	36.6	5.96	.02-.01
3-1	833	117	11	20	12.3	63.81	.001
3-2	621	251	11	19	28.8	14.90	.001
3-3	601	276	12	19	31.5	10.82	.001
4-4	531	298	22	10	64.1	0.13	.99
4-2	201	348	8	22	63.4	0.83	.98
2-7	689	240	16	15	74.2	6.71	.01-.001
5-1	328	346	15	16	51.3	0.02	.99
6-1	277	693	3	27	71.4	4.09	.05-.02
7-1	511	366	30	2	58.3	14.69	.001
8-1	588	305	15	17	34.2	4.10	.05-.02

^AIssues 2-3 and 8-2 are opinion items for which there is no comparable roll call vote. Issue 4-1 (Western and Tech) apparently involved no formal legislative vote that was recorded. Issues 2-9 and 2-10 were not considered by the Senate. 2-8 represents the component parts of the Family Farm Act. One Senate roll call is compared to it. 3-4 represents the opinion item compared to the roll call vote on HB 481, the collective bargaining bill which became law.

^BOnly the constituents who expressed an opinion for or against are included. Those who were neutral or had no opinion are necessarily not included in this comparison.

^CThere are 32 senators who represent the 1,044 people in the sample. The vote

recorded may be less than a total of 32 due to absences. The vote here does not necessarily coincide with the actual disposition of the bill.

^DThe percentage is the number of constituents with whom the majority of senators agreed.

^EThe smaller the value of chi square (x2), the closer the constituents and senators were in agreement. A x2 of .00 or near it means that the senators almost perfectly reflected the actual distribution of constituent opinion. Conversely, the greater the disagreement between constituents and senators, the greater will be the value of x2. Xs probability expresses the degree to which an x2 of the given magnitude is likely to occur by chance. An x2 probability of .05 or less is usually considered statistically significant.

APPENDIX C

Table B. Comparison of Constituent Opinion with State Representatives on the Issues

ISSUES: ^A	Constituents: ^B		Representatives: ^C		% Constituents the Rep. Majority Agrees with: ^D	Chi Square	Chi Chi Square Probability: ^E
	Favor	Oppose	Favor	Oppose			
2-1	672	182	24	10	78.7%	0.83	.98
2-2	649	230	21	8	73.8	0.00	1.00
2-4	587	313	17	20	35.1	4.74	.05-.02
2-5	657	227	17	13	74.3	3.80	.05-.02
2-6	520	264	18	18	66.3*	3.37	.10-.05
2-7	689	240	16	21	25.8	15.72	.001
2-9	631	323	14	23	33.9	11.34	.001
2-10	645	287	9	26	30.8	27.19	.001
3-1	833	117	20	17	87.7	31.52	.001*
3-2	621	251	18	18	71.2*	6.48	.01-.001
3-3	601	278	28	10	68.5	0.24	.95
3-4	531	298	31	5	64.1	6.44	.01-.001
4-3	492	255	15	20	34.1	6.79	.01-.001
6-1	277	693	2	26	71.4	5.18	.05-.02
7-1	511	366	11	20	41.7	5.46	.02-.01
8-1	588	305	25	13	65.8	0.03	.98

^A Issues 2-3 and 8-2 are opinion items for which there is no comparable roll call vote. Issue 4-1 (Western and Tech) apparently involved no formal legislative vote that was recorded. Issues 2-8, 4-2, and 5-1 were not considered by the House. They were the Montana Family Farm Act, a motion to increase the university appropriation offered in the Senate by Robert Watt (failed), and the resolution calling for rescinding the ERA (failed). 3-4 represents the opinion item compared to the roll call vote on HB 481, the collective bargaining bill which became law. The other collective bargaining bill, SB 275, passed the Senate, but was rejected by the House.

^B Only the constituents who expressed an opinion for or against are included. Those who were neutral or expressed no opinion are necessarily not included in this comparison.

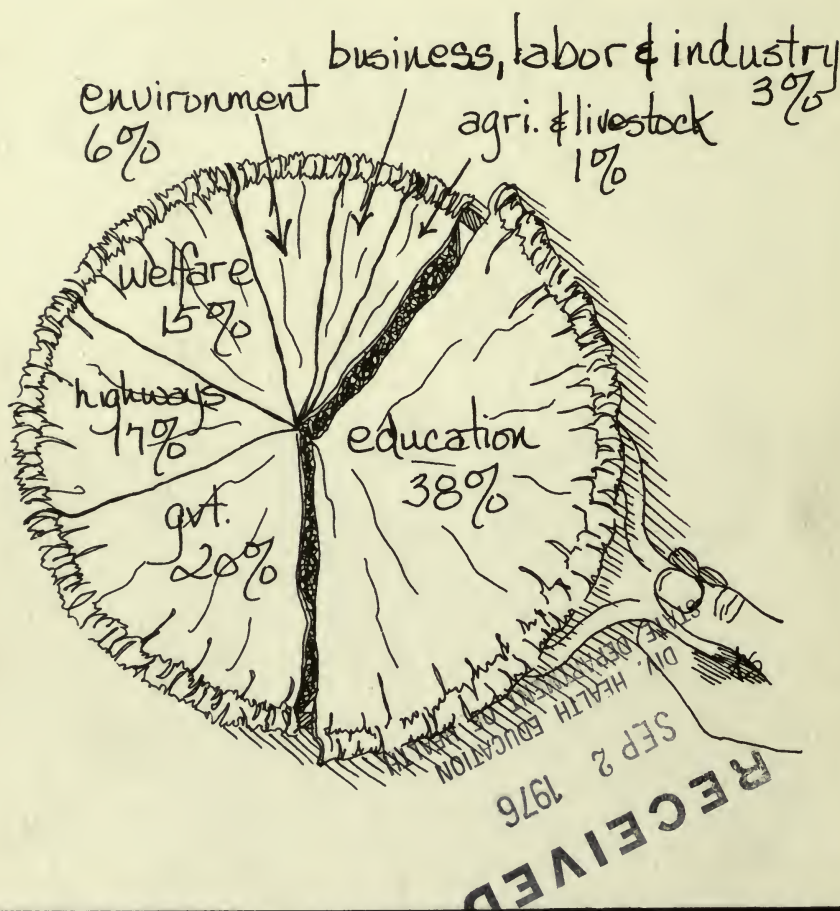
^C There are 38 representatives who represent the 1,044 people in the sample. The vote recorded may be less than a total of 38 due to absences. The votes here

do not necessarily coincide with the actual disposition of the bill. See Appendix B.

^D The percentage is the number of constituents with whom the majority of representatives agreed. *By chance the representatives recorded for and against the issues tied. Both bills did pass the House. The percentage here reflects the number of constituents who were represented by the 18 representatives who did vote with the majority in the chamber.

^E The smaller the value of chi square (x2), the closer the constituents and representatives were in agreement. A x2 of .00 or near means the representatives almost perfectly reflected the actual distribution of constituent opinion. Conversely, the greater the disagreement between constituents and representatives, the greater will be the value of x2. X2 probability of .05 or less is usually considered statistically significant. *Here, while the representatives did reflect the majority, they did not adequately reflect the rather pronounced majority. X2 captures that.

State Economic Pie



Operating Appropriations for '76-'77 Biennium

EDUCATION—38%

- Supt. of Public Instruction
- University System

GOVERNMENT—20%

- Legislative Branch
- Judicial Branch
- Elected Officials (except Supt. of Public Instruction)
- Departments of:
 - Administration
 - Community Affairs
 - Justice
 - Military Affairs
 - Public Service Regulation
 - Revenue

AGRICULTURE & LIVESTOCK—1%

- Department of Agriculture
- Department of Livestock

HIGHWAYS—17%

- Maintenance, construction & general maintenance

WELFARE—15%

- Department of Institutions
- Social & Rehabilitative Services

ENVIRONMENT—6%

- Departments of:
 - Fish & Game
 - Health & Envir. Sciences
 - State Lands
 - Natural Resources

LABOR, BUSINESS & INDUSTRY—3%

- Business Regulation
- Labor & Industry
- Professional & Occupational Licensing

*These percentages do not reflect Federal Appropriations

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